

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VOEGELE MECHANICAL, INC.,

Plaintiff,

v.

LOCAL UNION NO. 690 OF THE UNITED
ASSOCIATION OF JOURNEYMEN AND
APPRENTICES OF THE PLUMBING AND
PIPE FITTING INDUSTRY OF THE
UNITED STATES AND CANADA,

Defendant.

CIVIL ACTION

No. 18-3018

ORDER

AND NOW, this 19th day of August, 2019, upon consideration of the Second Motion to Dismiss or, in the Alternative, to Stay Proceedings Pending Arbitration filed by Defendant Local Union No. 690 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (“Local 690”) (Doc. No. 16), Plaintiff Voegele Mechanical, Inc.’s (“Voegele”) Memorandum of Law in Support of Reply in Opposition to Motion to Dismiss, Local 690’s Reply, and Voegele’s Sur-Reply, as well as the arguments made by the parties during the oral argument held on May 21, 2019, it is hereby **ORDERED** that Local 690’s Second Motion to Dismiss is **GRANTED** pursuant to Federal Rule of Civil Procedure 12(b)(1).

It is **FURTHER ORDERED** that Voegele’s Count One is **DISMISSED WITHOUT PREJUDICE** to the filing of a subsequent arbitration proceeding and the Clerk of Court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE